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THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON

Larena Hatley, as an individual, and in her
 separate capacity as the assignee and real party
 in interest of all *choses* in action of Chance
 Daniels arising out of the same causes of ac-
 tion set forth herein,

PLAINTIFF;

v.

Joyce L. Mullan, an individual and doing
 business as Castlewood Standard Schnauzers,

DEFENDANT.

No. 2:21-cv-00820-JCC

**Joint Stipulated Motion to
 Continue Trial Date for
 Extenuating Circumstances**

**NOTE ON MOTION CALENDAR:
 November 14, 2022 (Same Day)**

Pursuant to LCR 7(d)(1), 10(g), 16.1, and 40, Plaintiff and Defendant jointly stipulate
 to the following motion to continue the trial currently set to begin on December 5—along
 with concomitant pretrial filing dates—to later dates for extenuating circumstances.

1 Although both parties' counsel are ready to proceed with trial, last week they inde-
2 pendently learned of two separate extenuating circumstances that substantially impinge on the
3 parties' trial readiness.

4 First, Defendant Joyce Mullan has been advised by her physician to undergo knee surgery
5 within the next few weeks just in advance of trial. At her age of 75 and her overall physical
6 condition, her physician anticipates a longer-than-normal recovery that will make it difficult
7 for her to travel from San Ramon, California to Seattle to be present for trial as currently
8 scheduled.

9 Second, Plaintiff's counsel learned on the evening of November 10, 2022, that Plaintiff's
10 prime and only expert witness, Jill Kessler-Miller, has been advised and scheduled by her phy-
11 sician to undergo a surgical procedure on December 6, 2022, to—upon information and be-
12 lief—insert an epidural catheter to treat chronic primary pain that began in March. December 6
13 is currently the second day of trial (and the first full day of trial testimony). Although Ms.
14 Kessler-Miller was advised that she should be able to ambulate as of December 7, it seems un-
15 reasonable and an unnecessary risk to expect her to be able to travel from her home in Aptos,
16 California to Seattle so soon after surgery—even assuming there are no complications. Pre-
17 suming she could otherwise be scheduled to testify on December 7 during the first half of trial
18 generally available to Plaintiff's witnesses (*i.e.*, the third day of trial and the second full day
19 available for testimony in a 5+ day trial), she would either be required to travel the evening on
20 the day of her surgery or would have to travel early the next morning in the questionable hope
21 of arriving in downtown Seattle with enough time to be examined on direct and cross. The for-
22 mer presents an unnecessary risk to a third-party witness; the latter also potentially presents an
23 unnecessary risk to her and also jeopardizes both parties' rights to substantial justice. Both
24 parties would prefer to examine her under oath not only when she can ambulate, but when she
25 is fully recovered from her surgery and can be reasonably expected to sit at length to testify.

26 Counsel notified the Court's courtroom deputy (cc: the Court's law clerk) on Veterans
27 Day, Friday, November 11, 2022, of the newly discovered potential for trial non readiness. *See*

LCR 40(b). The Court's law clerk graciously wrote back on the evening of the federal holiday before the weekend suggesting that we file an expedited stipulated motion to continue trial and saying we were welcome to also seek continuances of the current outstanding filing dates given that they had not yet passed (joint motions in *limine** are currently due today, November 14, 2022; LCR 16.1 pretrial order currently due November 21, 2022; Trial briefs, proposed *voir dire* and jury instructions, and trial exhibits currently due November 29, 2022). He also stated that the Court's docket was full in January and February and the soonest available month for trial would be March 2023.

*The parties do not otherwise seek continuance to today's due date for joint motions in *limine* brief as the attorneys' joint work on that matter will be complete and filed today.

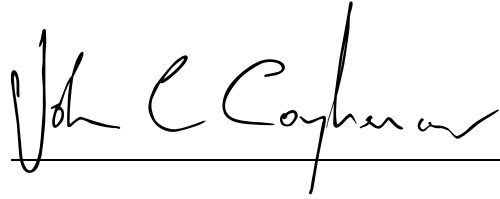
However, for the foregoing reasons, the parties seek continuances of the following events to the listed corresponding proposed dates:

Event	Date as Currently Set (Dkt. # 30)	Proposed Date
LCR 16.1 Pretrial Order due	November 21, 2022	March 13, 2023
Trial briefs, proposed <i>voir dire</i> and jury instructions, and trial exhibits due	November 29, 2022	March 21, 2023
Trial (5+ day) begins	December 5, 2022	March 27, 2023

Endorsement to Stipulation (LCR 10(g))

The Court orders the continuances to the proposed dates as set forth above.

1 IT IS SO ORDERED this 14th day of November 2022.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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1 Respectfully submitted this 14th day of November, 2022.

2 **Balloun Law Professional Corporation**

3 By: /s/ O. Shane Balloun

4 **O. Shane Balloun (WSBA n° 45053)**

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14 **Plaintiff Larena Hatley**

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